

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

DR 2000-094890

04/04/2011

HONORABLE BRUCE R. COHEN

CLERK OF THE COURT  
I. Ostrander  
Deputy

IN RE THE MARRIAGE OF  
VANESSA ANN MUMBULUMA

VANESSA ANN MUMBULUMA  
PO BOX 7145  
CHANDLER AZ 85246

AND

BRYON NEVELE NICHOLS

BRYON NEVELE NICHOLS  
3327 S JUDD STREET  
TEMPE AZ 85282

DOCKET-FAMILY COURT-SE  
FAMILY COURT CONFERENCE  
CENTER-SE  
FAMILY COURT SERVICES-CCC

**RESOLUTION MANAGEMENT CONFERENCE  
REFERRAL TO FAMILY COURT CONFERENCE CENTER  
FOR ARREARAGE CALCULATION  
EVIDENTIARY HEARING SET**

Courtroom 304 SEF

1:38 p.m. This is the time set for Resolution Management Conference.  
Petitioner/Mother is present on her own behalf. Respondent/Father is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

DR 2000-094890

04/04/2011

This matter comes before the Court on the Petition to Modify filed by Mother on December 30, 2010. She notes therein that the parties have not utilized the equal parenting schedule previously ordered for Hunter, born April 20, 1997, and Jordan, born April 23, 1998.

A review of the case history will assist in identifying the issues to be addressed. The parties appeared before this Court on August 16, 2005. At that time, specific findings were made and orders were entered. Based thereon, the Court found that Father was current with his child support and spousal maintenance through the date of the hearing. The Court further found that there were reimbursement claims owed by Father to Mother and judgment was therefore entered in favor of Mother in the principal sum of \$5,713.76. Father was ordered to make \$100.00 per month payments against this judgment but those payments were not to be made through the Support Payment Clearinghouse. Additionally, the August 16, 2005, order reflects that Father's ongoing child support award of \$100.00 per month was affirmed. Lastly, the order assigned to Mother the right to claim both children for the dependency exemption each year until such time that Father satisfied the above-referenced judgment.

Since the last proceeding (occurring within the past few years), the parties have altered the parent access schedule. Rather than the prior 5-2-2-5 plan, the children have resided primarily with Mother and have been with Father virtually every weekend. The timing of when this occurred, as well as what may have occurred prior thereto, is not directly relevant to any of the current proceedings. Rather, the Court shall now be addressing the last changes that were made and the circumstances that presently exist.

Aside from ratifying the new parenting plan, there is also the need to review the child support amount. Changed circumstances include, but are not limited to, the change in the parenting plan, Father's recent loss of employment, and the fact that Mother is maintaining insurance coverage for the children.

In addition to addressing ongoing child support, it appears undisputed that Father is now in arrears on his prior child support obligation. He has affirmed that he has not paid most of the \$100.00 per month ongoing payments confirmed in 2005. He states that his non-payment was a function of an agreement reached between the parties that negated his ongoing obligation in exchange for Mother claiming both children for the dependency exemptions. While the allocation of the exemptions to Mother is set forth in the August 16, 2005, order, there are no orders identified by the Court that suspended Father's ongoing child support obligation. It is therefore incumbent upon Father to secure proof of the positions he is asserting.

**IT IS ORDERED** referring this matter to the Family Court Conference Center for an arrearage calculation through March 31, 2011. In calculating the status of child support, it

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

DR 2000-094890

04/04/2011

should be assumed that Father was current through August 2005 regardless of what may be reflected in the records of the Support Payment Clearinghouse.

**IT IS FURTHER ORDERED** setting Evidentiary Hearing on August 8, 2011, at 9:30 a.m. (time allotted: 1.5 hours) before the Honorable Benjamin Norris at the Southeast Judicial District, 222 East Javelina Avenue, Courtroom 404, Mesa, Arizona 85210.

Due to the judicial rotation scheduled to occur in June 2011, this represents a change in judicial assignment and both parties are on notice thereof in accordance with Rule 6 of the Arizona Rules of Family Law Procedure and Rule 42 of the Arizona Rules of Civil Procedure.

**IT IS FURTHER ORDERED** any evidence intended to be submitted as exhibits at the time of the Evidentiary Hearing must be brought to this Court's clerk in courtroom 404 **no later than 12:00 p.m. on Wednesday, August 3, 2011, with a coversheet listing the description of the exhibits.** All exhibits must be hand-delivered to courtroom 404 and must have colored paper separating the exhibits. Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. In addition, at the time of the commencement of the hearing, **each party shall provide an extra copy of the exhibits for use by the Court during the hearing. This extra set of exhibits shall be noted to be the "Bench Copy."**

For the evidentiary hearing, the following shall be addressed:

1. Whether the prior parenting time schedule should be modified to reflect the practices of the parties at this time or any other plan beneficial to the children.
2. Whether child support should be modified from the current \$100.00 per month order to any other amount. If so, by statute, the earliest retroactive date shall be April 1, 2011.
3. Whether there were any orders or binding agreements between the parties that served to suspend Father's \$100.00 per month child support order for all or any period of time between September 1, 2005, and March 31, 2011.
4. The amount of Father's child support arrears accumulating from September 1, 2005, through March 31, 2011.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

DR 2000-094890

04/04/2011

5. The principal balance owed by Father on the August 16, 2005, judgment detailed on page 4 of the minute entry from that date.
6. Whether there should be modification of the allocation of the dependency exemptions from the orders entered on August 16, 2005.
7. Whether a payment schedule should be entered for Father to satisfy any past amounts in addition to any ongoing support obligation.
8. Any reimbursement claims presented by Mother for expenses that were subject to the 67% to Father/33% to Mother allocation previously ordered by the Court.

**IT IS FURTHER ORDERED** that by no later than June 15, 2011, each party shall provide written disclosure to the other party. The disclosure shall include each party's current earnings, copies of 2009 and 2010 income tax returns, as well as any unemployment or related benefits that may be received by either party. Additionally, Mother shall provide proof of the cost of the insurance coverage for the children. She shall also provide copies of all documents that reflect any reimbursement claims that she is seeking from Father for the time period from September 1, 2005, through the date of disclosure. Father shall provide copies of any documents that reflect payments he made to Mother since the August 16, 2005, proceedings but not including any payments paid through the Support Payment Clearinghouse. If Father does not have proof of the payments, he may itemize the payments in a letter to Mother so as to afford her the opportunity to know exactly what claims for credits Father is making.

**LET THE RECORD REFLECT** Mother is now known as Vanessa Ann Mumbuluma.

**IT IS THEREFORE ORDERED** directing the Docketing Department of the Office of the Clerk of the Superior Court to change immediately the name on the caption of the case in ICIS to reflect Mother's new married name as Vanessa Ann Mumbuluma.

2:20 p.m. Hearing concludes.

**LATER:**

**LET THE RECORD REFLECT** prior to the commencement of today's proceeding, Father advised the courtroom clerk that his current address has changed. The courtroom clerk has updated Father's address in ICIS as reflected on the *Update Information on Address* form filed this date.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

DR 2000-094890

04/04/2011

FILED: *Update Information on Address* form

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.